



PROTECTED A

**Canada Border Services Agency (CBSA) – United States (US) Customs and  
Border Protection (CBP)  
Joint Senior Executive Meeting**

**RECORD OF DECISION**

**Meech Lake, Quebec**

December 18, 2014

**OBJECTIVES:**

1. Reignite the existing CBSA-CBP senior executive relationship.
2. Resolve challenges and regain momentum in implementing remaining Beyond the Border (BtB) initiatives.
3. Discuss respective visions and explore strategic opportunities to collaborate on air traveller and trade modernization.
4. Address emerging operational priorities, such as information sharing on Foreign Fighters and the Ebola Virus Disease.
5. Agree on a Cooperation Agenda to be finalized in early 2015-2016.

**ATTENDEES:**

**CBP**

**Mr. R. Gil Kerlikowske**, Commissioner

**Mr. John Wagner**, Acting Assistant Commissioner, Office of Field Operations

**Mr. Charles Stallworth**, Assistant Commissioner, Office of International Affairs

**Ms. Brenda Smith**, Assistant Commissioner, Office of International Trade

**Ms. Cynthia Whittenburg**, Executive Director for Trade Policy

**Ms. Deborah Augustin**, Executive Director for the ACE Business Office

**Ms. Jennifer McGill**, Director, North America Division, Office of International Affairs

**Ms. Elizabeth Schmelzinger**, Director, Office of Border Initiatives, Office of Field Operations

**Mr. Michael Denning**, Executive Director, Cargo and Conveyance Security, Office of Field Operations

**Mr. Patrick Schmidt**, Special Advisor, Office of the Commissioner

**US Embassy**

**Mr. Bruce Heyman**, US Ambassador to Canada (*dinner only*)

**Mr. Alan Langford**, CBP Attaché, US Embassy in Canada

**CBSA**

**Mr. Luc Portelance**, President

**Ms. Nada Semaan**, Executive Vice-President

**Mr. Richard Wex**, Vice-President, Programs Branch (*dinner only*)

**Mr. Peter Hill**, Associate Vice-President, Programs Branch  
**Mr. Martin Bolduc**, Vice-President, Operations Branch  
**Ms. Caroline Xavier**, Associate Vice-President, Operations Branch  
**Mr. Maurice Chénier**, Vice-President, Information, Science and Technology Branch  
**Ms. Megan Imrie**, Director General, Commercial Programs  
**Ms. Arianne Reza**, Director General, Traveller Programs  
**Mr. Brent McRoberts**, Director General, Trade & Anti-Dumping Programs  
**Mr. Andrew LeFrank**, Acting Director General, Enforcement and Intelligence Operations Directorate  
**Mr. Denis Vinette**, Director General, Border Operations Directorate  
**Mr. Paul Porrior**, Director, National Border Operations Centre  
**Mr. Brian Rumig**, Director General, International Region  
**Ms. Kym Martin**, Acting Director General, Program Policy and Coordination Directorate  
**Ms. Jennifer Lutfallah**, CBSA Counsellor, Embassy of Canada, Washington, D.C.

## **DISCUSSIONS:**

### **1. Opening Remarks**

President Portelance and Commissioner Kerlikowske opened the meeting by acknowledging the work that had been undertaken following the New Orleans Joint Senior Executive meeting in 2012. The CBSA and CBP have worked closely to align program, policy, infrastructure and technological support, resulting in the tangible commitment of the BtB Action Plan. The Meech Lake, Québec 2014 meeting provided the opportunity for both Agencies to rejuvenate close cooperation, reset priorities and determine the way forward through a new Cooperation Agenda for 2015-2016

### **2. BtB Discussion**

#### **2.A. Integrated Cargo Security Strategy (ICSS)**

The CBSA and CBP agreed to formally conclude the ICSS marine pilots and regularize the sharing of information to mitigate national security concerns at the perimeter in Prince Rupert. At this time, the focus should be on concluding the joint assessments and wrapping up the pilots (Montreal and Prince Rupert).

Additionally, the CBSA and CBP will establish technical working groups to explore options to mitigate risks associated with prohibited or controlled goods at the perimeter to fully achieve the ICSS objectives under the concept of “cleared once, accepted twice”. Due to differences in the respective legislative authorities and operational processes, the CBSA’s position is that trade issues are not to be addressed as part of the ICSS, but rather within separate Canada – US bilateral fora.

The CBSA and CBP agreed to continue discussing trade issues and trade-related enforcement issues (e.g., import health and safety (HC/FDA), counterfeit, anti-dumping and countervailing, and to move forward on identifying commonalities, vulnerabilities and disparities). Designated



CBSA and CBP teams should work together to move forward on these issues, explore areas for further collaboration on trade, and establish a common set of information on narcotics.

**Next Steps:**

1. Formally conclude the ICSS Montréal pilot (January 2015).
2. Regularize National Security examinations in Prince Rupert, formally conclude the Prince Rupert pilot, and regularize the mitigation of national security concerns at the perimeter in Prince Rupert (February 2015).
3. Establish Canada – US technical working group(s) to explore options to mitigate risks associated with prohibited or controlled goods (i.e., contraband) at the perimeter to fully achieve the ICSS objectives under the concept of “cleared once, accepted twice”. Working group(s) to identify prohibited or controlled goods commonalities, vulnerabilities and disparities (Spring 2015).
4. Present working group findings and possible recommendations to the BtB Executive Steering Committee (ESC) (Summer 2015).
5. Conclude Joint Canada – US ICSS Pilots’ Assessment (Spring 2015).

**2.B. NEXUS**

NEXUS membership has increased significantly since the 2012 meeting between the CBSA and CBP in New Orleans and has become a key program in both air and land modes.

*Single Officer Interview*

The objective is to move away from the joint interview to enable one officer to interview candidates on behalf of both Agencies.

A single interview process would present new opportunities for the CBSA and CBP to address rising demands for NEXUS membership including the flexibility to establish satellite offices in urban locations in the US and/or Canada, enhance client services, allow each Agency to meet pockets of demand in a more targeted/geographical and timely manner and obtain cost efficiencies.

The CBSA and CBP should consult their respective legal authorities to determine whether or not they would need to amend their legislation to allow for cross-designation of each other’s officers to administer their respective provisions.

Consideration should be given to the impact international expansion of NEXUS program eligibility to third countries on the “one officer interview”.

**Next Steps:**

1. Both Agencies agreed in principle to the single officer interview approach. A risk assessment will be developed (two-pager) by each Agency, outlining the feasibility and risks associated with this approach (February 2015).

### *Urban Enrollment Centers (EC)*

Both Agencies agreed there is an opportunity to expand/establish additional urban ECs within the downtown core in cities such as Toronto and Calgary, which would increase access to NEXUS membership and be a positive step for the NEXUS program

#### **Next Steps:**

1. Identify a Canadian city to pilot an EC in an urban centre and look at ways of shifting the existing workload from airport ECs, so as not to expand the footprint in airports (February 2015).

### *Membership Fee*

The regulatory process to change fees in Canada and the US differ. A major difference is that Canada's public consultation process for new regulations, which includes disclosure of the proposed fee, occurs at the beginning, whereas the US' comes closer to the end. Both regulatory process changes could require three years to complete.

Given public sensitivity to any possible fee increase, careful planning is required in determining the appropriate timing of any public announcement or public consultation period.

Both the CBSA and CBP agree that neither government can continue indefinitely to subsidize this voluntary program at the current fee levels.

In February 2014, the US CBP completed a fee study on their trusted traveller programs (i.e., NEXUS, SENTRI and Global Entry), which recommended the harmonization of their program fees across the board at \$130(USD/CAD) each.

#### **Next Steps:**

1. The CBSA is currently conducting an in-depth return on investment study on NEXUS, in order to validate the Agency's cost for administering this program. It is expected to be completed soon (February 2015).
2. The CBSA and CBP agreed to develop a joint critical path regarding the regulatory process for any increase in the NEXUS membership fee and coordinate its use to brief the PS Minister/DHS Secretary and seek views on any proposed fee change (February/March 2015).

### *CBSA regulatory changes*

- CBP noted the regulatory changes recently advanced by the CBSA to address Canadian legal issues related to the "Good Character" clause with respect to NEXUS applicants.
- The US noted its concern that the CBSA's new regulations could prove to be too lenient and allow certain individuals to apply to the program who would have previously been ineligible. The CBSA explained the regulatory changes in detail and noted that any distinctions were reduced to only a few points. The CBP thanked the CBSA for the briefing and committed to get back to the CBSA with their final views.



### *Trilateral Trusted Traveller*

The CBSA and CBP agreed to continue the good work together along with Mexico to meet the February 2014 North American Leaders Summit (NALS) commitment to establish a Trilateral Trusted Traveller arrangement in 2015.

#### **Next Steps:**

1. Have a trilateral agreement signed by leaders in early 2015 (March 2015), in order to implement the Trilateral Trusted Traveller arrangement between Canada, the US and Mexico in 2015.

### **2.C. Trusted Traders**

The Partners in Protection (PIP) and Customs-Trade Partnership Against Terrorism (C-TPAT) programs have been working towards the harmonization of both supply-chain security programs.

The PIP/C-TPAT harmonization will commence with highway carriers by the summer of 2015 and the launch of the harmonization of the e-portal is scheduled for June 2015.

The CBSA and CBP agreed to continue communicating on IT activities, and CBP expressed interest in working in conjunction with the CBSA towards sorting their data so that it supports PIP.

Both Agencies agreed to continue discussions with the private sector and to seek opportunities to leverage stakeholder outreach. This will enable both Agencies to continue to jointly market and promote trusted trader programs and increase membership.

#### **Next Steps:**

1. Continue to finalize the automated data exchange requirements (US CBP 'HOLD' scenarios) that will allow for the harmonization of highway carriers (Fall of 2015).
2. Continue discussions and identify further opportunities to jointly engage stakeholders (February 2015).
3. Continue to harmonize membership benefits, streamline validation and secondary post incident analysis (September 2015).
4. Continue to jointly market and promote the trusted trader program to grow membership (April 2015).

### **2.D. In-Transit Pilot**

The CBSA and CBP agreed to proceed with the in-transit pilot by summer 2015. Working groups should reconnect in 2015 to develop operational procedures for the pilot.

#### **Next Steps:**

1. Proceed with the in-transit pilot (summer 2015).
2. Meet in early 2015 to develop procedures for the pilot (TBC).

## **2.E. Pre-inspection**

CBP is looking to extend the Buffalo and Fort Erie pilot past the initial timeline. CBSA Southern Ontario region will continue to support CBP with the pre-inspection pilot.

### **Next Steps:**

1. Support CBP to continue the pre-inspection pilot at Buffalo/Fort- Erie (Ongoing).

## **2.F. Radio Frequency Identification (RFID) Lane Management**

The CBSA and CBP will continue sharing information on RFID. The CBSA acknowledged the importance CBP places on RFID for lane/traffic movement and the benefits it creates for CBP Officers.

CBSA will continue to implement 22 new RFID lanes at the 11 POEs identified in the BtB action plan, and will continue to work with and support Citizen and Immigration Canada in securing additional Canadian RFID-enabled admissibility documents (e.g., Enhanced Drivers Livences, passport cards).

The CBP agreed to share lessons learned regarding the US passport cards that are currently being utilized.

### **Next Steps:**

1. Agree to information sharing to gain access to US RFID enabled documents (September 2015).
2. CBP to share lessons learned regarding the US passport cards (TBC).

## **2.G. Traveller Screening**

Both Agencies agreed to continue the ongoing work started by the joint working groups to take stock on the different databases and systems employed by the CBSA and CBP. This will ensure harmonization in traveller screening approaches and will enable the Agencies to conduct a gap analysis.

It will be advantageous to identify and share best practices on the use of this data, and to report back to the BtB ESC on the results with a path going forward by June 2015.

### **Next Steps:**

1. Continue work being led by the working group to take stock on the different databases CBSA/CBP use to screen travellers and conduct a gap analysis (March 2015).
2. Report back to the BtB ESC on results of gap analysis and path forward (June 2015).



### **3. Border Modernization Discussion**

#### **3.A. Air Traveller**

The CBSA provided an overview of its Air Traveller Continuum Modernization approach. The CBSA currently has underway the largest portfolio of IT projects within the Government of Canada, but has limited functionality on aging machines and technology. The existing technology and infrastructure meet today's demands in terms of volume and requirements, but have not been designed to meet the emerging demands of the future. The Agency's modernization agenda will be addressing the IT challenges.

CBP is currently developing an electronic application pilot that pre-screens individuals. If the individual is deemed admissible, the application produces a print screen bar code that can be scanned by CBP Officers.

CBP Officers are starting to work on mobile devices which grant new and significant flexibility.

With such technological improvements, the objective is to continue to move towards a paperless working environment by leveraging automated systems to perform administrative functions. The CBSA is developing additional electronic applications while mobile expectations are being considered.

#### **Next Steps:**

1. Invite a US representative to participate in the CBSA Air Mode working group (February 2015).

#### **3.B. Trade**

CBP provided an overview of its Trade Transformation initiatives. Focus has shifted from a strictly safety and security approach to one that is increasingly supportive of US economic competitiveness. CBP's trade transformation agenda is focused on three main areas, namely automation (technology); shared border management (e.g., to align the 47 other government departments as part of the Trade Chain); and partnerships (e.g., international collaboration, stakeholder expertise, private sector engagement).

Both Agencies agreed that Trade Modernization is a key priority and that they would continue to share best practices. The CBSA is particularly interested in the US model of Trade Centres of Expertise.

CBP is exploring ways to enhance automation technology to facilitate trade and reduce the cost at the border. Specifically, the CBP is looking at new mobile applications to collect information about importers and to release cargo more efficiently.

To support a more unified approach across government entities and facilitate trade, Presidential Executive Order was issued to streamline the import process and a senior inter-agency council was established, as was a consultative mechanism with the Industry sector.

With regard to international agreements, both Agencies agreed that it is critical to use the World Customs Organization (WCO) model to ensure consistency, especially with Mexico.

The CBP would like to obtain additional information regarding the performance metrics applied by the CBSA, and both Agencies agreed to share aggregated data regarding anti-dumping to gain an understanding of country patterns.

**Next Steps:**

1. Continue to share information and best practices on engagement with the private sector, on technology, training and education (February 2015).
2. Explore and examine the model of the US Centers for Excellence and Expertise with a CBSA delegation visit (March 2015).
3. Share aggregated data related to Anti-Dumping to gain an understanding of country patterns (March 2015).
4. Share information regarding CBSA performance metrics with CBP (March 2015).

**4. Operational Information Sharing Discussion**

**4.A. Detroit River International Crossing**

Both Agencies provided an update on the status of the Detroit River International Crossing and identified shared interests in this project.

**4.B. Information Sharing - Ebola**

The CBSA supported the Government of Canada in taking measures to prevent the Ebola Virus from entering Canada. There have been no known cases in Canada of anyone contracting the Ebola Virus. There are no direct flights coming into Canada from affected countries and, as such, Canada has not needed to re-route any flights.

In the US, flights carrying individuals who may have come into contact with the Ebola Virus are being redirected to five locations. These individuals are given questionnaires about potential Ebola Virus-related symptoms. CBP has doctors on-site at these locations to deal with individuals who may have contracted the disease. Similarly, Canada has quarantine officers in those airports with greater passenger volume (i.e., Montreal, Toronto).

The CBSA and CBP are sharing best practices to ensure the means are in place to prevent Ebola from entering our borders.

**4.C. Information Sharing - Foreign Fighters**

Foreign fighters have been a main concern for both Agencies. The Secretary of Homeland Security sent a letter to the Minister of Public Safety reiterating the US's request to strengthen case-specific information-sharing on Canadian citizens suspected of terrorism-related activities.



The CBSA acknowledged its key role in helping to address the threat, agreed to continue sharing information and noted that the Royal Canadian Mounted Police (RCMP) and Canadian Security Intelligence Service (CSIS) are the lead Agencies investigating foreign fighters in Canada.

There is an opportunity to compare CBSA and CBP databases and determine the capabilities of each Agency to deal with the foreign-fighters threat.

**Next Steps:**

1. Re-connect in January 2015 to compare gaps in our information sharing practices (January 2015).
2. Conduct a joint assessment of automated targeting system access, and scenario-based targeting rule inclusions (Fall 2015).

**5. Closing Remarks**

The CBSA and CBP agreed on the importance of continuing to be driven to achieve practical results and apply a perimeter approach with common targeting and screening methods.

Great value emerges from these Executive, face-to-face meetings; it would do both Agencies well to meet more often. To this end, a sub-meeting should be scheduled before summer to discuss in greater detail the items and key deliverables from this meeting. Another Joint Senior Executive meeting should be scheduled by the summer or fall 2015 to follow-up on progress and identify next steps.

Both Agencies are conducting work internally on employee development and ensuring that career paths are being built with integrity, values and ethics as the key drivers.

CBP outlined its interest in comparing notes and obtaining additional information on how the CBSA looks at, and manages, internal data supporting managing staff, performance measures and conducting cross-walks of the roles of individuals.

**Next Steps:**

1. Finalize CBSA-CBP Cooperation Agenda for 2015-2016 (February 2015)
2. Hold sub-meetings to review the items discussed (Ongoing).
3. Operations: Commit to senior-level meetings twice per year (TBC).
4. Joint Senior Executive meeting to review progress to be held in the summer or fall of 2015.
5. Develop a shared people agenda in the coming months (TBC).
6. Share best practices regarding workforce engagement (Ongoing).